IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5370 OF 2005

Shrenik Ratilal Shah ..Applicant

Vs.

State of Maharashtra & Anr. ...Respondents

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Mr.Amit Desai i/b Mr.Prakash Naik Advocate for Applicant
Mr.Sai Kumar for Respondent no.2
Mr.Y.S.Shinde A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 25,2005

P.C.

1. Heard the learned counsel for the applicant-original accused, learned counsel for the respondent no.2 i.e. original complainant who is present before this Court and the learned A.P.P. for the State.

2. The applicant is seeking quashing of CR NO.52 of 2005 lodged with GB CB CID pertaining to RA No.58 of 2005 pending before the Court No.19 of

learned Addl.Chief Metropolitan Magistrate, Esplanade, Mumbai. The said complaint arose on account of some disputes which pertain to the estate of the father of the applicant and respondent no.2. It is stated by the learned counsel for the respondent no.2 that the complainant and the applicant who are sister and brother have amicably settled the dispute between themselves and they have arrived at Memorandum of Understanding which is annexed to the present application as Exhibit-B. It is further stated that parties have settled the dispute relating not only to the estate of the father of the applicant and complainant but also dispute relating to the property of the mother of the applicant and the complainant. The learned counsel for the respondent no.2 original complainant states that in view of the settlement, the complainant does not wish to pursue her complaint.

3. The learned counsel for the applicant submits that in view of the settlement, the case ought to be quashed. Reliance is placed on various decisions of the Supreme Court and this Court

wherein when the parties have amicably settled the dispute, the proceedings in those cases have been quashed. Reliance is placed on the following decisions:

1) **B.S.Joshi Vs. State of Haryana,**
   AIR 2003 SC 1386;
2) **Fahimuddin Vs. State of U.P.**
   AIR 1981 SC 2008(3);
3) **Judgment of the Division Bench of this Court in Cri.W.P.No.1672 of 2002 dated 20.12.2002 [Alan Douglas Grant Vs. State of Mah.]**

3. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that complainant does not wish to pursue her complaint, I am of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, proceedings i.e. RA No. 58 of 2005 pending before 19th Court of learned Addl. Chief Metropolitan Magistrate, Esplanade Mumbai pertaining to the CR No.52 of 2005 lodged with GB CB CID Mumbai are quashed. The bail bonds of the

applicant-accused shall stand cancelled. The passport of the applicant which has been seized by the Investigating Agency, shall be returned to the applicant.

4. Application is disposed of.

5. Certified copy expedited.

[V.K.TAHILRAMANI,J.]